



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Chairman

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

S-L 99-27

May 3, 2002

MEMORANDUM TO: Board Members

FROM: Lori L. Scialabba *LJS*
Acting Chairman

SUBJECT: Expanded Use of Summary Affirmance for Immigration
Judge and Immigration and Naturalization Service
Decisions

The regulatory criteria for affirmance without opinion is set forth at 8 C.F.R. § 3.1(a)(7)(ii), which provides:

(ii) The single Board Member to whom a case is assigned may affirm the decision of the Service or the Immigration Judge, without opinion, if the Board Member determines that the result reached in the decision under review was correct: that any errors in the decision under review were harmless or nonmaterial; and that

(A) The issue on appeal is squarely controlled by existing Board or federal court precedent and does not involve the application of precedent to a novel fact situation; or

(B) The factual and legal questions raised on appeal are so insubstantial that three-Member review is not warranted.

Pursuant to the authority provided in 8 C.F.R. § 3.1(a)(7)(i), I hereby designate the following categories of cases to be appropriate for affirmance without opinion by a single Board Member exercising the authority of the Board of Immigration Appeals in accordance with 8 C.F.R. § 3.1(a)(7)(ii):

- A. All cases involving appeals of Immigration Judge decisions over which the Board of Immigration Appeals has jurisdiction and which meet the criteria set forth above.
- B. All cases involving appeals of Immigration and Naturalization Service decisions over which the Board of Immigration Appeals has jurisdiction and which meet the criteria set forth above.